

DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

2:13-cr-00138-LDG-CWH

Plaintiff,

ORDER

VS.

ANTHONY WILLIAM LOPEZ,

Defendant.

Based upon the pending Motion from by the defense, and no objection by the Government to said Motion, and good cause appearing thereof,

IT IS HEREBY ORDERED that in accordance with Title 18, United States Code, Sections 4241, 4242, 4247, and Rule 12.2(c) of the Federal Rules of Criminal Procedure, the United States Marshal Service shall forthwith transport ANTHONY WILLIAM LOPEZ, defendant herein, to a suitable BOP facility that conducts psychological evaluations closest to the Court, for psychiatric or psychological evaluation to determine:

(1) whether defendant ANTHONY WILLIAM LOPEZ mat presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceeding against him or to assist properly in his defense; and

(2) whether defendant ANTHONY WILLIAM LOPEZ suffered from a mental disease or defect rendering him mentally incompetent at the time of the commission of the offense charged.

IT IS FURTHER ORDERED that defendant ANTHONY WILLIAM LOPEZ shall be held in said facility for a reasonable period of time, not to exceed 45 days, unless extended by further order of the Court upon showing good cause by the Director of the said facility or pursuant to other

1 appropriate motion for a period of up to 30 additional days. 18 U.S.C. § 4247(b).

2 IT IS FURTHER ORDERED that the examination conducted pursuant to this Order be
3 conducted by one or more licensed or certified psychiatrists or clinical psychologists. 18 U.S.C. §
4 4247(b).

5 IT IS FURTHER ORDERED that within 45 days from the date of entry of this Order, or
6 such additional period as may be ordered by the Court, the Director of the said facility at which the
7 examination has been conducted shall prepare, or cause to be prepared, a psychiatric or
8 psychological report to the Clerk of the United States District Court for the District of Nevada, to
9 Cristina D. Silva, Assistant United States Attorney, and to William Carrico, Assistant Federal Public
10 Defender, counsel for defendant.

11 IT IS FURTHER ORDERED that the said report prepared pursuant to this Order shall
12 include:

- 13 (1) Defendant's history and present symptoms;
- 14 (2) A description of the psychiatric, psychological or medical tests that were employed
15 and their findings;
- 16 (3) The examiner's findings;
- 17 (4) The examiner's opinions as to diagnosis, prognosis, and whether the defendant is
18 competent to stand trial, the test of which is whether he may presently be suffering from a mental
19 disease or defect rendering him mentally incompetent to the extent that he is unable to understand
20 the nature and consequences of the proceedings against him or to assist properly in his defense; and
21 (5) The examiner's opinions as to diagnosis and whether the defendant was insane at the
22 time of the offense charged, the test is whether, at the time of the commission of the acts constituting
23 the offense, the defendant, as a result of severe mental disease or defect, was unable to appreciate the
24 nature and quality of the wrongfulness of his acts. 18 U.S.C. §§ 17(a), 4241(a) and 4247(c).

The Court finds that the period of time required by the above-described psychiatric or psychological examination of defendant, and the Court's determination of defendant's competency to stand trial and his sanity at the time of the offense charged is excludable time under the United States Constitution, the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(A), and Rule 5.1 of the Federal Rules of Criminal Procedure.

Dated this 11 day of July, 2013.

HON. CARL W. HOFFMAN
UNITED STATES MAGISTRATE JUDGE